TVVO PETITIONS

OF THE

Sequeſtred *Clergie* of *England* and *Wales.*

ONE,

To the *Kings* moſt excellent *Majeſtie*:

THE OTHER,

To Sir *THOMAS FAIRFAX.*

WITH

The Declaration of the *Generall*, and his Councell of Warre thereupon.

AS ALSO,

His Majeſties Proclamation againſt Intruding into other mens Cures, and detaining their Tythes.

LONDON,

Printed for *Richard Royſton*, at the Signe of the Angel in Ivie-lane. 1647.

To the Kings most Excellent Majesty.

The Humble Petition of many thousands of Your *Majesties* loyal Subjects, the poore *sequestred Clergy* of *England* and *Wales*,

Humbly sheweth,

THat whereas your Petitioners have a long time been destitute of all liveli-hood, by meanes of *sequestration* of their Estates and *other losses*, and are at present driven to extream necessities how to provide for themselves and their families, and the season now approching for the receiving the benefits of the *Harvest*, before which time, if some charitable course be not taken, they are like to starve or beg another yeare.

May it therefore please Your most Sacred *Majesty* to take our sad condition into Your Gracious consideration and care, that some course may be taken for our speedy relieſe, as may preserve us alive, and enable us to doe more service in *Gods Church* to Your *Majesty* and the *Kingdome*.

And as in duty bound, we shall ever pray for Your *Majesties* happy establishment, and long and prosperous *Reigne*.

This Petition was delivered to His Majesty, on Saturday July 17. by two of the sequestred Clergy, imployed by others of their Brethren to prosecute this business: His Majesty very graciously expressed himselfe how deeply sensible he was of their condition, and bid them rest assured, that whatsoever was in his power for their relieſe, should not be wanting; but for the present all that he could doe, was to recommend the Petition to the Generall and the Commanders of the Army; which accordingly he did both by speciall Messengers, and by word of mouth at severall times.

Hereupon this Petition ensuing was delivered to the Generall, and Copies thereof left with some of the chief Commanders.

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TO

To His Excellency *Sir Thomas Fairfax.*

The Humble Petition of many thouſands of the poore *ſequeſtred Clergy* of *England* and *Wales*,

Humbly ſheweth,

THat whereas the eyes of all the oppreſſed people of the *Kingdome* are fixed upon Your *Excellency* and the *Army*, as the great Inſtruments (under *God*) to reſtore them to their legal Rights and Liberties, which they doe juſtly ground upon Your ſeverall Declarations publiſhed to the World.

And whereas your Petitioners (a conſiderable number of the free-born men of this Kingdome) have been for divers yeares outed of their lively-hood and free-holds, contrary to *Magna Charta*, and other *fundamentall Laws of the Land*, by the *arbitrary power* of *Committees*; whoſe proceedings uſually have been by no Rule of any known Law, but by their own wills: of whoſe orders no Record is kept, nor ſcarce any notes or memorials, whereby it may appeare when, by whom, or for what your Petitioners were removed, the *Committees* for ſcandalous and for plundered *Miniſters* (by whom the greateſt part are turned out) being grounded not ſo much as upon any *Ordinance* of both Houſes, the moſt of your Petitioners outed for refuſing the *Covenant*, or adhering to the *King* and the *Religion* eſtabliſhed according to their *Judgements* and *Conſciences*; and, of thoſe, diverſe never called to anſwer, ſcarce one had any Articles proved by oath, or other legal proceſſe, and ſome put out upon private information given to the Chair-man Mr. *White*: by which unheard of proceedings not to be paralleld in any age, *Your Petitioners*, who have lived heretofore in good eſteem, according to their Calling, Degrees, Birth and Education, are reduced to extream miſery and want, with their Wives and children, that they muſt either ſtarve or begge, if ſome ſpeedy courſe be not taken for their reliefe. And whereas thoſe, who are put into our places, labour by all meanes to ſtir up the people *to involve this Kingdom in a new warre*, and are generally men *ignorant and unable to inſtruct the People*, and many of them *ſcandalous in their practices*, if impartially examined, and *divers of them hold three or foure of the beſt Benefices*, whileſt divers other *Churches* are *void* and without any conſtant Preacher: And *Your Petitioners* are ready to ſubmit themſelves for their Rights to tryall by the known Lawes of the Land, and if any appear guilty of any *legall ſcandal* (which we know to have been unjuſtly charged upon many, and is a great part of their preſent ſufferings) we ſhall leave them to undergoe the ſevereſt puniſhment and cenſure, which by any known Law can be inflicted.

And foraſmuch as the maine profits of our Benefices conſiſt in the *Harveſt*, which is now at hand; which many of the preſent poſſeſſors, if they could

receive, would presently be gone, whereby the burden of the *Cure* will lye upon Your Petitioners, having nothing to live upon all the next yeare.

Your Petitioners therefore Humbly pray, that Your *Excellency* would be pleased to make stay of the Profits of this Harvest, in such way as Your *Excellency* shall think fit, that such as are charged with any legal scandal, may come to a just tryal, and both they (if they be found innocent) and the rest, may enjoy their Rights and have the benefit of *Subjects*, according to the *known Law* of the Land, and Your Petitioners shall ever pray, *&c.*

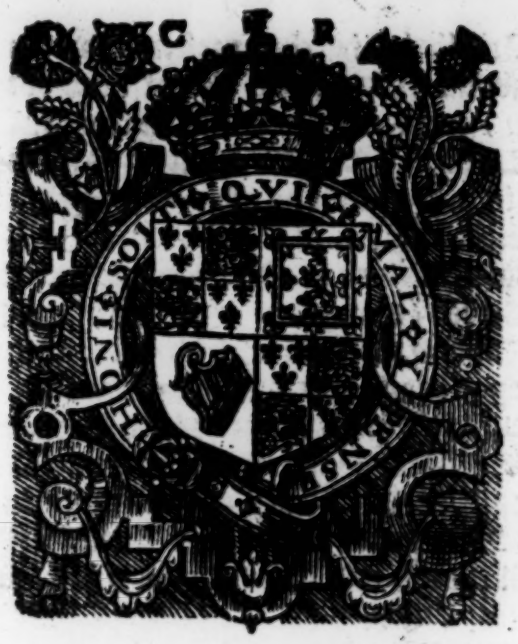
Upon the delivery of this Petition, the matter was debated at a Councel of War, July 19. *and afterwards by the Prosecutors of the* Clergy, *and others whom His Majesty had entrusted herewith, with the* Generall, Lieutenant-Generall, Commissary-Generall, *and others at severall meetings; And the result of all in conclusion was this:*

That whereas the Generall *and his* Councell of War *had resolved to send a Proposition or* Declaration *to the* Parliament, *that the estates of all sequestred persons should remaine in the hands of the Tenents and occupiers, untill a generall peace be settled, That this Proposition should extend to the* Clergy *as well as others, so as to include the Tithes, and all other* Ecclesiastical *profits due to them, to remaine in the hands of the* Parishioners, *or others their Tenents or occupiers, untill the said* publick settlement. *And accordingly the said Declaration was drawn up, and agreed upon by the* Generall *and* Councell of War, *upon* Thursday, July 22. *to this effect, viz.*

That the estates of all persons, of what rank or condition soever, whether real or personal, under any sequestration, howsoever or to whomsoever disposed, shall remaine in the hands of the Tenents, Parishioners, or any other persons from whom they are legally due, untill the general peace be settled, and then to be restored and accounted for, to those to whom they shall be justly and legally due.

This Proposition, which by reason of the present distractions happning since in the Parliament, *hath been hindred from passing by way of* Ordinance, *is thought fit to be now publisht in regard of the* present Harvest, *as containing a* Declaration *of the sense of the* Army, *grounded upon apparent equity and justice, that so as well the* Parishioners, *as the* Intruders, *and all others whom it doth concerne, may take notice thereof, and conforme themselves thereunto; and that the Parishioners may prevent thereby such further Inconveniences as may happen to them, if they shall pay the dues of this Harvest justly belonging to the rightfull* Incumbents, *to any unjust and usurping* Intruders. *Which that they may be the better fore-warn'd of, they may take notice of His* Majesties Proclamation *to this purpose formerly publisht by* Royall *authority, and still in force, and now re-printed, as followeth:*

By



By the KING.

¶ A Proclamation againſt the Oppreſsion of the Clergy by the Intruſion of Factious and Schiſmaticall Perſons into their Cures, and inverting and detaining their Tithes and Poſſeſsions by Orders of one or both Houſes of Parliament, contrary to all Law and Juſtice.

WHereas by the great Charter of the Liberties of England it is provided, that the Church ſhould have all its Rights whole, and Liberties inviolable: & amongſt others the Church hath theſe priviledges, That regularly no Eccleſiaſticall Poſſeſſions may be extended, ſeized or ſequeſtred but by the Ordinary, And that Diſtreſſes may not be taken of Lands wherewith Churches have been anciently endowed;

dowed; And that Churches presentative cannot be filled, and the lawfull Incumbents thereof removed but by the Ordinary, nor the Cure of the Incumbents served by Curats, Lecturers, or others, but by their owne appointment, or in their default by the appointment of the Ordinary; neither are any of Our Subjects of the Laity by the Common Lawes of Our Realme capable to take or receive Tithes (which are the portion of the Clergy) unlesse by demise from them, or such as are appropriate and made Lay-Fee: Nevertheless by colour of Orders or pretended Ordinances of one or both Houses of Parliament, the Estates Reall and Personall as well of Our Clergy as Laity have been and are daily seized, sequestred and taken from them, & their Possessions distrained for illegall Taxes and Contributions for supporting the Rebellion against Us: Which being clearly against law and unwarrantable, We did forbid by Our Proclamation of the seventh of April last, and doe hereby forbid the same, under the penalties in that Our Proclamation contained. And whereas divers of Our Clergy eminent for their Piety and Learning, because they publish Our lawfull and just Commands and Declarations, and will not, against the knowne Lawes of the Land and their owne Consciences, submit to Contributions, nor publikely pray against Us and Our Assistants, but conform themselves to the Book of Common Prayer established by Law, and preach Gods Word according to the purity thereof, and in their Sermons will not teach Sedition, nor will publish illegall Commands and Orders for fomenting the unnaturall Warre levied against Us, are some of them driven and forced from their Cures and Habitations, some others silenced and discharged from the exercise of their Cures, and persecuted; and their Curats, if Orthodox, displaced, and others, who are Factious and Schismaticall intruded and put in, to sow Sedition, and seduce Our good Subjects from their obedience, expressly contrary to the Word of God, and the Lawes of the Land; and the Glebes, Tithes, and other emoluments of right

belonging

belonging to such Incumbents as will not conforme to that Faction, are diverted in all Parishes where such Arbitrary power prevailes, and distributed, part to such factious Curates, and the rest to the maintenance of this War, against Law & the Liberties of the Church: Our Will and Pleasure therefore is, and We doe hereby straitly charge and command all Our Subjects, as well Ecclesiasticall as Temporall, not to presume to intermeddle in discharging or hindering any of Our said Clergie for the cause aforesaid, or any other the like pretences, or any of them from the exercise of their Cures and Functions, or in displacing the said Curats substituted by them; nor doe presume to intrude or cause any Curats, Lecturers or others, to be intruded or put into such Cures; or to take or dispose the Glebes, Tithes, Fruits or Emoluments belonging to any of Our said Clergy, who are so silenced, forced from their Cures, and persecuted as aforesaid. And We doe hereby require and command all Our Subjects duly to set forth and pay their Tithes to their severall and respective lawfull Incumbents of their Parishes, or to their Farmors, Assignes, or Deputies, without any guile or fraud; and so as the same may be received and enjoyed by the same Incumbents, without any diminution, substraction or diversion; notwithstanding any sequestration or pretended Orders or Ordinances, or other command whatsoever of one or both Houses of Parliament. And if any person or persons whatsoever shall presume to transgresse this Our Command, We doe hereby declare and signifie, That they doe not onely oppugne and infringe the good old Lawes of the Land, and the Liberties of the Church (which all Our Subjects, as well as Our Selfe, are bound to maintaine and observe) but doe also assist a Rebellion against Us, for which We shall proceed against them according to Law, as they shall be apprehended and brought to the hands of Justice, and will give direction for taking their Lands and Goods into safe custody in the meane time.

And

And We doe hereby farther strictly command and require all Church-Wardens, Sidesmen & Parishioners whatsoever, to resist such persons as shall be so intruded or put in into any of the Cures aforesaid, by or upon pretext of any such pretended Orders or Ordinances or commands as aforesaid, and to assist (as much as in them lyeth) the lawfull Incumbents, their Curats, Farmers, Assignes or Deputies, in the receiving, taking and enjoying the Glebe, Tithes, Fruits and Emoluments to them of right belonging. Willing and commanding all Sheriffes, Mayors, Bayliffes, Justices of Peace, Constables, Head-boroughs, and other Our Officers and loving Subjects whatsoever, upon their Allegiance, and the severest punishment that by the Law may be inflicted upon them, not onely to obey and observe carefully these Our commands, but to be aiding and assisting to the utmost of their power to all such persons as shall require their assistance and protection in this behalfe, and to resist and repell, by force of Armes, all such as shall oppose this Our Legall command. And Our Will and Pleasure is, That this Our Proclamation be read in all Churches and Chappells in this Our Kingdome. Given at Our Court at Oxford, the fifteenth day of May, in the nineteenth yeare of Our Reigne.

God save the King.

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